

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0802-0120

Case Title:

Spanish Fork Septic Discharge

Reporting Office:

Salt Lake City, UT, Resident Office

Subject of Report:

Search Warrant

Activity Date:

August 4, 2015

Reporting Official and Date:

(b)(5)(b)(6)(b)(7)(C)

Resident Agent in Charge

Approving Official and Date:

(b)(5)(b)(6)(b)(7)(C)

Acting Special Agent in Charge

Acting Assistant Special Agent in Charge

18-AUG-2015, Signed by (b)(5)(b)(6)(b)(7)(C)

18-AUG-2015, Approved by (b)(5)(b)(6)(b)(7)(C)

SYNOPSIS

On August 4, 2015, a federal search warrant was executed at 1819 South Main Street in Spanish Fork, Utah.

DETAILS

On August 4, 2015, at approximately 7:00 a.m., a briefing was held at the Spanish Fork Police Department for the execution of a search warrant at 1819 South Main Street in Spanish Fork, Utah. An EPA Operational Plan was provided, which included a copy of the search warrant and a copy of the consent search for 1875 South Main Street in Spanish Fork, Utah. Detective (b)(6), (b)(7)(C) with the Spanish Fork Police Department provided his own briefing. Participants included individuals from the U.S. Environmental Protection Agency, Spanish Fork Police Department, Utah County Sheriff's Office, American Fork Police Department, and Utah County Major Crimes Task Force consisting of Lieutenant (b)(6), (b)(7)(C)

and this reporting agent.

The search warrant was executed at 1819 South Main Street on August 4, 2015 at approximately 7:50 a.m. Special Agent (SA) (b)(5)(b)(6)(b)(7)(C) a uniformed police officer with the Spanish Fork Police Department, and this reporting agent went to the front of the business building while law enforcement went to the back of the building. Officer (b)(6), (b)(7)(C) and this reporting agent encountered a (b)(6), (b)(7)(C), later identified as (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) was advised there was a search warrant for the property, and a copy of the warrant was provided to (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) confirmed (b)(5)(b)(6)(b)(7)(C) Almost Home. (b)(5)(b)(6)(b)(7)(C) advised (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) and Marvin Butler ("Butler"), and Marvin Butler was also at the business. (b)(5)(b)(6)(b)(7)(C) was asked if (b)(5)(b)(6)(b)(7)(C), and (b)(5)(b)(6)(b)(7)(C) usually (b)(5)(b)(6)(b)(7)(C), but (b)(5)(b)(6)(b)(7)(C) did not have one that day. Officer (b)(6), (b)(7)(C) searched (b)(5)(b)(6)(b)(7)(C) for (b)(5)(b)(6)(b)(7)(C) and did not find any. (b)(5)(b)(6)(b)(7)(C) explained (b)(5)(b)(6)(b)(7)(C) was in the (b)(5)(b)(6)(b)(7)(C) and (b)(5)(b)(6)(b)(7)(C), but (b)(5)(b)(6)(b)(7)(C) was (b)(5)(b)(6)(b)(7)(C). (b)(5)(b)(6)(b)(7)(C) was told (b)(5)(b)(6)(b)(7)(C) while the search warrant was being executed if (b)(5)(b)(6)(b)(7)(C) wanted.

The (b)(5)(b)(6)(b)(7)(C) a (b)(6), (b)(7)(C) (b)(5)(b)(6)(b)(7)(C) on August 4, 2015 at approximately 8:08 a.m., which was located at the business at 1819 South Main Street.

This reporting agent was advised the building was secure, and Marvin Butler and (b)(5)(b)(6)(b)(7)(C), (b)(5)(b)(6)(b)(7)(C) were at the property. SA (b)(5)(b)(6)(b)(7)(C) and this reporting agent entered the building

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through a man door at the back of the property and saw officers with Butler. This reporting agent asked if it was possible for officers to assist Butler in getting dressed since Butler was only wearing underwear. Officers assisted in dressing Butler while SA ^{(b)(5)(b)(6)(b)(7)(C)} and this reporting agent stayed in the entry area of the basement. Detective ^{(b)(6), (b)(7)(C)} told this reporting agent ^{(b)(6)} had read Butler his rights per Miranda, and Butler had agreed to speak with ^{(b)(6), (b)(7)(C)}.

Detective ^{(b)(6), (b)(7)(C)} asked if this reporting agent felt comfortable if they removed the handcuffs on Butler, and Detective ^{(b)(6), (b)(7)(C)} was told they could remove the handcuffs to which Butler replied, "Thank you very much." This reporting agent was present when Butler and ^{(b)(5)(b)(6)(b)(7)(C)} directed Detective ^{(b)(6), (b)(7)(C)} to the location of a .22 rifle. This reporting agent observed Detective ^{(b)(6), (b)(7)(C)} locate the .22 rifle and unload the rifle. Butler advised there was also a BB gun.

When SA ^{(b)(5)(b)(6)(b)(7)(C)} and this reporting agent approached Butler, Butler had a copy of the search warrant. Butler was given this reporting agent's name and credentials were shown to Butler. Butler offered this reporting agent some water, and this reporting agent offered to get Butler some water. Butler was given a bottle of water by one of the officers. Butler was told this reporting agent was from the U. S. Environmental Protection Agency, Criminal Investigation Division and acknowledged Butler had a copy of the search warrant. Butler was asked if he was okay since this reporting agent heard him complaining about his shoulder. Butler mentioned his shoulder hurt, but the officers were good to him, and they were gentle. Butler commented he would be alright.

Butler was advised there was a search warrant for his property, but he was not under arrest. Butler was told he was free to leave at any time, and Butler acknowledged he understood. Butler was told agents were primarily there to take some sampling. Butler was told he did not have to answer any questions, and he could stop answering questions at any time. This reporting agent reiterated that he could leave at any time. It was explained to Butler that there had been some reports about the quality of water in the river and on his property. Butler stated he had called and reported the matter, and Butler offered to show agents around outside. Butler was asked what he thought was causing the discoloration of the water. Butler stated there has been change in the flow of water through the field, and he mentioned he had seen the creek foam up. Butler thought the cause could be from an explosive plant or the gun club. Butler stated he would love to take agents there to show them.

Butler repeated he had called and reported the information. This reporting agent acknowledged he had some concerns and others had made some reports too, which was why agents were there. Butler commented he didn't think agents needed a warrant to sample since it was not on his property, but he would love to cooperate with agents. Butler was asked about the pipes and the pond on his property, and Butler advised there was a stream from a hill going to a drainage ditch, and he ran a pipe from the ditch to build a water wheel or a water fall. Butler confirmed there was a well and a septic tank for the property with leach lines toward the north side of the lot.

Butler stated he was upset because of how he was being treated since he had called, and agents only had to ask his permission. It was mentioned that perhaps there were some suspicions from others based on the type of business being next to the river. Butler reported you're not going to dump any waste in the river and it go away. Butler commented it was not his business anymore, but there were going to be remnants and heavy metals. Butler stated he was familiar with the business, and he had been in the business for a long time. Butler confirmed he had been driving for ^{(b)(5)(b)(6)(b)(7)(C)} ^{(b)(5)(b)(6)(b)(7)(C)}. Butler advised the waste that is collected is taken to the Provo disposal plant, which was

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well documented. Butler stated there was not a holding tank for the waste, except for the tanks on the back of the trucks. Butler reported there was no treatment or storage of the waste there.

Butler reported the guns that were found belonged to (b)(5)(b)(6)(b)(7)(C). While Butler was talking to agents, (b)(5)(b)(6)(b)(7)(C) was shaking her head side to side and was telling Butler, "No." (b)(5)(b)(6)(b)(7)(C) subsequently stated (b)(5)(b)(6)(b)(7)(C), and Butler told (b)(5)(b)(6)(b)(7)(C) was free to go. Detective (b)(6), (b)(7)(C) explained he needed to talk with (b)(5)(b)(6)(b)(7)(C).

Butler stated he wanted to cooperate, and he had called because he didn't want that in his pond. Butler commented (b)(5)(b)(6)(b)(7)(C) swam in the river, and he was happy that agents were there. Butler repeated that he had reported the problem and wanted to cooperate. This reporting agent suggested getting a shirt and some shoes for Butler to go outside to have Butler further explain the pipes and the pond on his property.

Officers told this reporting agent they had seen what they believed to be narcotics in plain view in addition to the .22 rifle, and Detective (b)(6), (b)(7)(C) subsequently stated (b)(5)(b)(6)(b)(7)(C) admitted there was methamphetamine and marijuana inside of a drawer. Detective (b)(6), (b)(7)(C) was told that this reporting agent would have to call in the additional information for a potential federal search warrant. This reporting agent requested Detective (b)(6), (b)(7)(C) provide details to Special Agent (b)(5)(b)(6)(b)(7)(C) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for a potential federal search warrant. This reporting agent was told that Butler received some medical treatment while at the site after he advised he was having chest pain, and Butler subsequently left the property with his family to reportedly go to the hospital. See Spanish Fork Police Incident Report 15SF05753 for additional details.

Detective (b)(6), (b)(7)(C) with the Spanish Fork Police Department told this reporting agent that (b)(5)(b)(6)(b)(7)(C) was outside with Butler, assigned to maintain security during the execution of the search warrant. During that time, Butler was pacing around, and Detective (b)(5)(b)(6)(b)(7)(C) was following Butler. Butler was not handcuffed during this time. Butler then shuffled his feet back toward Detective (b)(5)(b)(6)(b)(7)(C) and flinched his arms as if he was going to punch Detective (b)(5)(b)(6)(b)(7)(C). Detective (b)(5)(b)(6)(b)(7)(C) reacted to the movement and prepared to physically engage Butler. Butler then began laughing. Detective (b)(5)(b)(6)(b)(7)(C) explained officers were trying to be respectful with him, and he was not reciprocating respect by his actions. Butler subsequently apologized, and said his actions were in poor taste.

SA (b)(5)(b)(6)(b)(7)(C) told this reporting agent that (b)(5)(b)(6)(b)(7)(C) had been present when Butler told officers the (b)(5)(b)(6)(b)(7)(C) was owned by (b)(5)(b)(6)(b)(7)(C), and (b)(5)(b)(6)(b)(7)(C) was (b)(5)(b)(6)(b)(7)(C). According to SA (b)(5)(b)(6)(b)(7)(C) Butler stated the surveillance camera at the back of the residence can be viewed through a router, and (b)(5)(b)(6)(b)(7)(C) has the combinations to the safes that were at the property.

During the search, (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C), as well as (b)(5)(b)(6)(b)(7)(C) who was identified as (b)(5)(b)(6)(b)(7)(C), and (b)(5)(b)(6)(b)(7)(C) who said (b)(5)(b)(6)(b)(7)(C) SA (b)(5)(b)(6)(b)(7)(C) advised when (b)(5)(b)(6)(b)(7)(C) arrived, (b)(5)(b)(6)(b)(7)(C) was heading north and was on his way to the business. SA (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) for a while, and (b)(5)(b)(6)(b)(7)(C) hasn't been to the (b)(5)(b)(6)(b)(7)(C). According to SA (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) Utah County came out and took records for the first part of 2015. (b)(5)(b)(6)(b)(7)(C) stated the tank in the front of the business was a fresh water tank that was used to fill trucks from the well. (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C)

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(b)(5)(b)(6)(b)(7)(C)

According to SA (b)(5)(b)(6)(b)(7)(C), (b)(5)(b)(6)(b)(7)(C) advised the spring on the hillside goes to the river, and (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C).
(b)(5)(b)(6)(b)(7)(C), Marvin Butler's (b)(5)(b)(6)(b)(7)(C) owns the property. (b)(5)(b)(6)(b)(7)(C) commented the shop was a mess, and (b)(5)(b)(6)(b)(7)(C) explained (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) hasn't (b)(5)(b)(6)(b)(7)(C)

(b)(5)(b)(6)(b)(7)(C) spoke with officers at the scene. Sgt. (b)(5)(b)(6)(b)(7)(C) advised (b)(5)(b)(6)(b)(7)(C) told (b)(5)(b)(6)(b)(7)(C) that (b)(5)(b)(6)(b)(7)(C) had a (b)(5)(b)(6)(b)(7)(C) currently out (b)(5)(b)(6)(b)(7)(C) commented to this reporting agent that (b)(5)(b)(6)(b)(7)(C), (b)(5)(b)(6)(b)(7)(C) was not doing much business, and (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) subsequently told this reporting agent that (b)(5)(b)(6)(b)(7)(C) had provided his contact information to Sgt. (b)(5)(b)(6)(b)(7)(C) and (b)(5)(b)(6)(b)(7)(C) would like to receive the guns if they were able to be released.

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

During the search, numerous pipes and drains were discovered at the pond area, building, river, and surrounding property, which were documented by Jacob Stowell, Environmental Scientist with the U.S. Environmental Protection Agency, National Enforcement Investigations Center. While SA (b)(5)(b)(6)(b)(7)(C), Stowell and this reporting agent were measuring and photographing portions of the top garage area, (b)(5)(b)(6)(b)(7)(C) came over and (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C). Agents discovered one hole that led down to the garage below, and a blue hose or tubing that was coiled near the hole. This reporting agent inserted the end of the blue hose or tubing into the drilled hole in the cement floor to determine if the conveyance fit the dimension of the hole, which it did, and Stowell took a photograph. Lieutenant (b)(5)(b)(6)(b)(7)(C) with the Salt Lake District Attorney's Office later assisted by transporting containers to American West Analytical Laboratories in Salt Lake City, Utah.

At approximately 2:30 p.m., Assistant United States Attorney Jared Bennett and Assistant United States Attorney Lake Dishman advised a federal search warrant had been issued and agents with ATF were in route. Detective (b)(5)(b)(6)(b)(7)(C) previously advised a state search warrant had already been authorized to further search the property. SA (b)(5)(b)(6)(b)(7)(C) along with law enforcement already at the property, executed the second search warrant. (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) for the City of Spanish Fork, also responded to the property at the request of Detective (b)(5)(b)(6)(b)(7)(C).

This reporting agent observed (b)(5)(b)(6)(b)(7)(C) at the front of the property with (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C). (b)(5)(b)(6)(b)(7)(C) was told (b)(5)(b)(6)(b)(7)(C) or this reporting agent would have to (b)(5)(b)(6)(b)(7)(C) if (b)(5)(b)(6)(b)(7)(C) wanted to remain on the property. (b)(5)(b)(6)(b)(7)(C) commented (b)(5)(b)(6)(b)(7)(C) thought it

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was “stupid,” but took off (b)(5)(b)(6)(b)(7)(C) . Officers advised this reporting agent that (b)(5)(b)(6)(b)(7)(C) was found to be (b)(5)(b)(6)(b)(7)(C) while at the property, and (b)(5)(b)(6)(b)(7)(C) claimed to (b)(5)(b)(6)(b)(7)(C) a (b)(5)(b)(6)(b)(7)(C) operation.

(b)(5)(b)(6)(b)(7)(C)

(b) (6), (b) (7)(C)

During the search, (b)(5)(b)(6)(b)(7)(C) and (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) identified as (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) , which (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) . This reporting agent mentioned (b)(5)(b)(6)(b)(7)(C) was (b)(5)(b)(6)(b)(7)(C) but complied with the request of this reporting agent by (b)(5)(b)(6)(b)(7)(C) , and (b)(5)(b)(6)(b)(7)(C) how (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) . This reporting agent escorted (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) Sgt. (b)(5)(b)(6)(b)(7)(C) talking to (b)(5)(b)(6)(b)(7)(C) afterward.

A copy of the search warrant with a receipt for items and the tracking warrant was given to (b)(5)(b)(6)(b)(7)(C) in (b)(5)(b)(6)(b)(7)(C) which was witnessed by SA (b)(5)(b)(6)(b)(7)(C) . This reporting agent stated officers indicated they were able to secure (b)(5)(b)(6)(b)(7)(C) the building by locking the door, but this reporting agent reminded (b)(5)(b)(6)(b)(7)(C) in the (b)(5)(b)(6)(b)(7)(C) . (b)(5)(b)(6)(b)(7)(C) was also in (b)(5)(b)(6)(b)(7)(C) (b)(5)(b)(6)(b)(7)(C) when agents provided the documentation. Agents left the premises at approximately 6:56 p.m.

On August 10, 2015, the original search warrant and tracking warrant with the returns were filed in the United States District Court.

ATTACHMENT

Search and Seizure Warrant

Tracking Warrant

Spanish Fork Police Incident Report 15SF05753

Receipt

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